

From the INTERNATIONAL BUREAU

**PCT**NOTIFICATION CONCERNING  
SUBMISSION OR TRANSMITTAL  
OF PRIORITY DOCUMENT

(PCT Administrative Instructions, Section 411)

Date of mailing (day/month/year) 22 June 2005 (22.06.2005)		<b>To:</b>  SALE, Terri, L. Exelixis, Inc. P.O. Box 511 170 Harbor Way South San Francisco, CA 94083-0511 ETATS-UNIS D'AMERIQUE	
Applicant's or agent's file reference AG04-047C-PC			<b>IMPORTANT NOTIFICATION</b>
International application No. PCT/US2004/042749	International filing date (day/month/year) 17 December 2004 (17.12.2004)		
International publication date (day/month/year)	Priority date (day/month/year) 17 December 2003 (17.12.2003)		
Applicant AGRINOMICS LLC et al			

1. By means of this Form, which replaces any previously issued notification concerning submission or transmittal of priority documents, the applicant is hereby notified of the date of receipt by the International Bureau of the priority document(s) relating to all earlier application(s) whose priority is claimed. Unless otherwise indicated by the letters "NR", in the right-hand column or by an asterisk appearing next to a date of receipt, the priority document concerned was submitted or transmitted to the International Bureau in compliance with Rule 17.1(a) or (b).
2. *(If applicable)* The letters "NR" appearing in the right-hand column denote a priority document which, on the date of mailing of this Form, had not yet been received by the International Bureau under Rule 17.1(a) or (b). Where, under Rule 17.1(a), the priority document must be submitted by the applicant to the receiving Office or the International Bureau, but the applicant fails to submit the priority document within the applicable time limit under that Rule, **the attention of the applicant is directed** to Rule 17.1(c) which provides that no designated Office may disregard the priority claim concerned before giving the applicant an opportunity, upon entry into the national phase, to furnish the priority document within a time limit which is reasonable under the circumstances.
3. *(If applicable)* An asterisk (\*) appearing next to a date of receipt, in the right-hand column, denotes a priority document **submitted or transmitted to the International Bureau but not in compliance with Rule 17.1(a) or (b)** (the priority document was received after the time limit prescribed in Rule 17.1(a) or the request to prepare and transmit the priority document was submitted to the receiving Office after the applicable time limit under Rule 17.1(b)). Even though the priority document was not furnished in compliance with Rule 17.1(a) or (b), the International Bureau will nevertheless transmit a copy of the document to the designated Offices, for their consideration. In case such a copy is not accepted by the designated Office as the priority document, Rule 17.1(c) provides that no designated Office may disregard the priority claim concerned before giving the applicant an opportunity, upon entry into the national phase, to furnish the priority document within a time limit which is reasonable under the circumstances.

The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland  Facsimile No. +41 22 338 82 70	Authorized officer  Kinam HA  Facsimile No. (41-22) 338.70.90 Telephone No. +41 22 338 8031
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From the INTERNATIONAL BUREAU

**PCT**NOTIFICATION CONCERNING  
SUBMISSION OR TRANSMITTAL  
OF PRIORITY DOCUMENT

(PCT Administrative Instructions, Section 411)

To:

SALE, Terri, L.  
Exelixis, Inc.  
P.O. Box 511  
170 Harbor Way  
South San Francisco, CA 94083-0511  
ETATS-UNIS D'AMERIQUE

Date of mailing (day/month/year) 22 March 2006 (22.03.2006)	
Applicant's or agent's file reference AG04-047C-PC	IMPORTANT NOTIFICATION
International application No. PCT/US2004/042749	International filing date (day/month/year) 17 December 2004 (17.12.2004)
International publication date (day/month/year) 11 August 2005 (11.08.2005)	Priority date (day/month/year) 17 December 2003 (17.12.2003)
Applicant AGRINOMICS LLC et al	

1. By means of this Form, which replaces any previously issued notification concerning submission or transmittal of priority documents, the applicant is hereby notified of the date of receipt by the International Bureau of the priority document(s) relating to all earlier application(s) whose priority is claimed. Unless otherwise indicated by the letters "NR", in the right-hand column or by an asterisk appearing next to a date of receipt, the priority document concerned was submitted or transmitted to the International Bureau in compliance with Rule 17.1(a) or (b).
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Priority date	Priority application No.	Country or regional Office or PCT receiving Office	Date of receipt of priority document
17 December 2003 (17.12.2003)	60/530,878	US	31 January 2005 (31.01.2005)

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PATENT COOPERATION TREATY

From the  
INTERNATIONAL SEARCHING AUTHORITY

To:  
TERRI L. SALE  
EXELIXIS, INC.  
P.O. BOX 511  
170 HARBOR WAY  
SOUTH SAN FRANCISCO, CA 94083-0511

PCT

REC'D 20 JUL 2005

WIPO

PCT

WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

Applicant's or agent's file reference		Date of mailing (day/month/year)
AG04-047C-PC		18 JUL 2005
International application No.	International filing date (day/month/year)	Priority date (day/month/year)
PCT/US04/42749	17 December 2004 (17.12.2004)	17 December 2003 (17.12.2003)
International Patent Classification (IPC) or both national classification and IPC		
IPC(7): A01H 5/00; C12N 15/82 and US CL: 800/281, 298		
Applicant		
AGRINOMICS LLC		

1. This opinion contains indications relating to the following items:

- |                                     |              |  |
|-------------------------------------|--------------|--|
| <input checked="" type="checkbox"/> | Box No. I    | Basis of the opinion   |
| <input type="checkbox"/>            | Box No. II   | Priority   |
| <input type="checkbox"/>            | Box No. III  | Non-establishment of opinion with regard to novelty, inventive step and industrial applicability   |
| <input type="checkbox"/>            | Box No. IV   | Lack of unity of invention   |
| <input checked="" type="checkbox"/> | Box No. V    | Reasoned statement under Rule 43bis.1(a)(3) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement |
| <input type="checkbox"/>            | Box No. VI   | Certain documents cited  |
| <input type="checkbox"/>            | Box No. VII  | Certain defects in the international application   |
| <input type="checkbox"/>            | Box No. VIII | Certain observations on the international application  |

2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA/US Mail Stop PCT, Attn: ISA/US Commissioner for Patents P.O. Box 1450 Alexandria, Virginia 22313-1450 Facsimile No. (703) 305-3230	Authorized officer Elizabeth J. Schwaiblmair Telephone No. 571-272-1600
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Form PCT/ISA/237 (cover sheet) (January 2004)

## PATENT COOPERATION TREATY

REC'D 20 JUL 2005

From the  
INTERNATIONAL SEARCHING AUTHORITY

WIPO

PCT

To:  
TERRI L. SALE  
EXELIXIS, INC.  
P.O. BOX 511  
170 HARBOR WAY  
SOUTH SAN FRANCISCO, CA 94083-0511

**PCT**WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

Date of mailing  
(day/month/year)

18 JUL 2005

Applicant's or agent's file reference

AG04-047C-PC

FOR FURTHER ACTION

See paragraph 2 below

International application No.

PCT/US04/42749

International filing date (day/month/year)

17 December 2004 (17.12.2004)

Priority date (day/month/year)

17 December 2003 (17.12.2003)

International Patent Classification (IPC) or both national classification and IPC

IPC(7): A10H 5/00; C12N 15/82 and US CL: 800/281, 298

Applicant

AGRINOMICS LLC

## 1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

## 2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

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For further options, see Form PCT/ISA/220.

## 3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA/ US

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Facsimile No. (703) 305-3230

Authorized officer

Elizabeth McElwain

Telephone No. 571-272-1600

WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/US04/42749

Box No. I Basis of this opinion

1. With regard to the language, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.

☐ This opinion has been established on the basis of a translation from the original language into the following language \_\_\_\_\_, which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).

2. With regard to any nucleotide and/or amino acid sequence disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:

a. type of material

☒ a sequence listing

☐ table(s) related to the sequence listing

b. format of material

☒ in written format

☒ in computer readable form

c. time of filing/furnishing

☒ contained in international application as filed.

☒ filed together with the international application in computer readable form.

☐ furnished subsequently to this Authority for the purposes of search.

3. ☒ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.

4. Additional comments:

WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY

International application No.  
PCT/US04/42749

Box No. V Reasoned statement under Rule 43 *bis*.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims <u>1-12</u>	YES
	Claims <u>NONE</u>	NO
Inventive step (IS)	Claims <u>1-12</u>	YES
	Claims <u>NONE</u>	NO
Industrial applicability (IA)	Claims <u>1-12</u>	YES
	Claims <u>NONE</u>	NO

2. Citations and explanations:

Claims 1-12 meet the criteria set out in PCT Article 33(2)-(3), because the prior art does not teach or fairly suggest a method of transforming a plant with a DNA encoding a HIO32.2 polypeptide.

Claims 1-12 meet the criteria set out in PCT Article 33(4), and thus meet industrial applicability because the subject matter claimed can be made or used in industry.